

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN M. JACOB,)	4:10CV3073
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON,)	
)	
Respondent.)	

This matter is before the court on Petitioner’s Motion to Stay (filing no. [32](#)) and Motion for Extension of Time (filing no. [33](#)). For the reasons discussed below, Petitioner’s Motion to Stay is denied and his Motion for Extension of Time is granted.

I. Motion to Stay

On December 12, 2010, Petitioner filed a Motion to Stay. (Filing No. [32](#).) In this Motion, Petitioner asks the court to order the District Court of Lancaster County, Nebraska, to stay proceedings in a pending state court civil suit brought against him by Margaret Schlichtman, Special Administrator for the Estate of Melody J. Hopper. (*Id.* at CM/ECF pp. 4, 6.)

“Federal courts cannot enjoin state-court proceedings unless the intervention is authorized expressly by federal statute or falls under one of two other exceptions to the Anti-Injunction Act.” *McFarland v. Scott*, 512 U.S. 849, 857 (1994). Pursuant to the federal habeas corpus statute, a federal judge, “before whom a habeas corpus proceeding is pending, may . . . stay any proceeding against the person detained in any State court or by or under the authority of any State for any matter involved in the habeas corpus proceeding.” [28 U.S.C. § 2251](#).

The court has carefully reviewed Petitioner's Motion and finds Petitioner has failed to argue or demonstrate that intervention is authorized by [28 U.S.C. § 2251](#) or an exception to the Anti-Injunction Act. Accordingly, Petitioner's Motion to Stay is denied.

II. Motion for Extension of Time

Also pending is Petitioner's Motion for Extension of Time to File a Reply to Respondent's Answer. (Filing No. [33](#).) In this Motion, Petitioner states that he has been sick and unable to work on a Reply. (*Id.*) Petitioner asks the court to extend the time in which he can reply to Respondent's answer to January 10, 2011. (*Id.*) For good cause shown, Petitioner's Motion is granted.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion to Stay (filing no. [32](#)) is denied.
2. Petitioner's Motion for Extension of Time (filing no. [33](#)) is granted. Petitioner's reply is due January 10, 2011.

DATED this 23rd day of December, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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